

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 239B.4(6), the Department of Human Services amends Chapter 7, “Appeals and Hearings,” Chapter 40, “Application for Aid,” Chapter 41, “Granting Assistance,” and Chapter 46, “Overpayment Recovery,” Iowa Administrative Code.

These amendments eliminate quarterly reporting for families receiving benefits under the Family Investment Program (FIP) who have earned income. Under these amendments, all families receiving FIP will be subject to semiannual reporting. They will complete a report form every six months and have an annual interview.

Moving from quarterly reporting to semiannual reporting for FIP will benefit families in several ways:

- Reducing the number of times that clients must report also reduces “procedural” cancellations caused by failure to return reports, returning reports late, or client errors in completing report forms when clients otherwise continue to meet eligibility requirements. Participants with physical or mental health issues, disabilities, literacy issues, or family crises are likely to have the most difficulty completing reports timely and accurately. Although the family’s benefits can be reinstated when these errors are corrected, the cancellation may result in a break in assistance for the family.
- Reducing procedural cancellations also helps maintain consistent participation in work and training activities. Procedural cancellations resulting in a break in FIP assistance also cause a break in PROMISE JOBS services. Even short breaks disrupt efforts to engage the family in work and training activities and may force families to drop out of activities intended to lead to long-term self-sufficiency.
- Changing to a semiannual review stabilizes family income. When income is projected for six months, minor fluctuations do not affect eligibility and benefits. Major changes in income and other household circumstances must still be reported and acted upon.
- These changes align FIP reporting frequency with the reporting required for Food Assistance and Medicaid. Currently FIP requires more frequent reports than Food Assistance or Medicaid. Most FIP families also receive Food Assistance and Medicaid. These changes will ensure that income is treated more consistently between programs.
- Alignment of reporting procedures across programs also reduces the number of different forms a family may be required to complete. The proposed amendments remove requirements for completing the Public Assistance Eligibility Report and the Combined PAER/FAIR in favor of using a single report form, the Review/Recertification Eligibility Document. These changes will reduce client confusion about reporting requirements.

Other changes included in these amendments are as follows:

- Item 9 clarifies that when a FIP participant is approved for foster care or subsidized adoption assistance while staying in the same home, FIP is canceled effective the first of the next month following the date when approval of the foster care or subsidized adoption assistance is entered into the Department’s computer system. When a nonparental caretaker relative who is receiving FIP for a child is approved for foster care or subsidized adoption assistance for that child, occasionally it is necessary to make retroactive payment for past months due to legal and system requirements. The amendment clarifies that FIP payments for the month for which the foster care or subsidized adoption assistance is approved or any past months for which foster care or subsidized adoption payments are made retroactively are not subject to recoupment.
- Item 10 corrects an implementation sentence to reflect the rescission of school attendance as an eligibility requirement.

These amendments do not provide for waivers in specified situations because they benefit clients or clarify current procedures. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on October 8, 2008, as **ARC 7267B**. The Department received no comments on the Notice of Intended

Action. These amendments are identical to those published under Notice of Intended Action, except that some of the technical changes shown in the Notice have since been adopted in amendments published in the Iowa Administrative Bulletin on November 5, 2008, as **ARC 7295B**; therefore, those amendments are no longer included.

The Council on Human Services adopted these amendments on December 10, 2008.

The Department finds that these amendments confer a benefit on FIP applicants and participants as outlined above. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are intended to implement Iowa Code section 239B.4.

These amendments shall become effective on February 1, 2009.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 7, 40, 41, 46] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 7267B**, IAB 10/8/08.

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[For replacement pages for IAC, see IAC Supplement 1/14/09.]